

quantity and quality of the land aforesaid, which would be occupied by said rail road, the quantity of additional fencing or gates which would probably be occasioned thereby, and all other inconveniences which seemed to us likely to result therefrom to the said land. That we combined with these considerations, as far as we could, a just regard to the advantages which would be derived by the proprietor of the said land, from opening of the aforesaid rail road through the same ; that under the influence of these considerations, we have estimated and do hereby assess the damages aforesaid at the sum of            dollars            . Given under our hands and seals this            day of            .” At the foot of the report so made, the magistrate before whom the said freeholders were sworn or affirmed, shall make a certificate in substance as followeth : “            county, to wit : I,            , a justice of the peace for said county, do hereby certify, that the above named freeholders, before they executed their duties as above certified, were solemnly sworn (or affirmed) before me, that they would impartially and justly, to the best of their ability, ascertain the damages which would be sustained by the above named            from the opening of the above named rail road through his land, and that they would certify truly their proceedings thereupon to the court of said county. Given under my hand this            day of            .”

The report of the freeholders so made, together with the certificate of the magistrate aforesaid, shall be forthwith returned by the freeholders to the court of said county ; and unless good cause be shown against the report, it shall be affirmed by the court and entered on record. But, if the said report should be disaffirmed, or the said freeholders being unable to agree, should report their disagreement, or if from any other cause they should fail to make a report within a reasonable time after their appointment, the court may at its own discretion, as often as may be necessary, supersede them or any of them, appoint others in their stead, and direct another view and report to be made in the manner above prescribed. On the affirmance of any such report, and on payment, or tender of payment of said damages into court, when for good causes shown, the court shall have so ordered it, the president and directors shall be at liberty to open the said rail road, upon the ground viewed and assessed by the freeholders aforesaid.

8. Whenever it shall become necessary to subject the lands of individuals to the use of the said company, in opening and constructing the said rail road through the same, and the consent of the proprietor or proprietors cannot be obtained, it shall be lawful for the president and directors of the said company, and for their superintendents and agents, contractors, laborers and servants, by order of said company, to enter upon such lands and proceed in opening and constructing the said rail road through the same. The pendency of any proceedings in court, or before assessors or valuers, to ascertain the damages that will be sustained by the proprietor or proprietors of such land, from opening and constructing the said rail road through the same, shall, in no manner, hinder or delay the progress of said work. The true intent and meaning of